



FREMONT PLANNING BOARD

November 28, 2007

Meeting Minutes

Approved December 19, 2007

Present: Chairman Larry Stilwell, Members Mark Pitkin and Leon Holmes, Jr., Member and CC Rep. Jack Karcz, RPC Circuit Rider David West, Building Official Thom Roy and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Stilwell called the meeting to order at 7:00 pm.

ZONING AMENDMENTS/ORDINANCE PUBLIC HEARING

Article XI Section G: Prime Wetlands

Present: Mark West of West Environmental LLC, Fremont Conservation Commission Members Janice & Tina Sturdivant, Robert O'Brien, Elaine O'Brien and Jeremy Lennon.

Mr. Stilwell opened this Public Hearing at 7:03 pm and read the public notice of the hearing which was as follows:

In accordance with NH RSA 675:6 and 675:7 you are hereby notified that the Fremont Planning Board will hold a Public Hearing on Wednesday November 28, 2007 at 7:00 pm at the Fremont Public Library to consider proposed amendments to the Fremont Zoning Ordinance Article IX Section G: Prime Wetlands.

A second Public Hearing, if necessary, will be held at 7:00 p.m. on Wednesday December 19, 2007 at the Fremont Public Library. The public is invited to attend.

The proposed amendment would designate as Prime Wetlands certain wetland systems identified in a recent Town of Fremont Wetland Evaluation Report. The Wetland Evaluation Report can be viewed at the Fremont Town Hall during regular business hours and will be available and will be available, along with photos and maps, at the Public Hearing. The full text of all proposed zoning amendments are posted at the Fremont Town Hall, Library, Safety complex, and Post office and are on file in the offices of the Selectmen, Planning/Zoning and Town Clerk and can be viewed during regular business hours.

The full text of the amendment was posted as follows:

Full Text of Proposed Articles for the March 2008 Zoning Amendments.

1. Are you in favor of amending Article IX Section G:PRIME WETLANDS of the Fremont Zoning Ordinance to read as follows:

In accordance with RSA 482-A:15 the wetland system commonly known as “Spruce Swamp” *and other designated wetland systems* as described in documents and maps filed by the Planning Board and Conservation Commission with the Town Clerk and the State of New Hampshire Department of Environmental Services, is hereby designated as prime wetland.

Mr. Stilwell noted that this Public Hearing was noticed in the November 2, 2007 edition of the Rockingham News and was posted on October 26, 2007 at the Fremont Post Office, Safety Complex, Public Library and both levels of the Town Hall.

Mr. Stilwell noted that this amendment would add “*and other designated wetland systems*” to the existing Ordinance. He stated that Town Counsel offered no changes to the full text of the proposed ordinance amendment as posted other than to insert “*to read*” prior to “as follows” in the question.

Available at this hearing for the convenience of those present were:

1. The notice of this Public Hearing and the full text of the amendment.
2. Copies of the September 2007 Town of Fremont Wetland Evaluation Report and associated maps.
3. Handouts entitled “How is Prime Wetland Designated”, “The Benefits of Wetlands”, and “The Freshwater Wetlands of Fremont Provide Important Functions to the Ecological Health of the Community”, that were supplied by Conservation Commission Member Janice O’Brien.

Mark West of West Environmental, Inc. stated that there are 26 wetland systems, mostly associated with the Exeter River and Brown Brook, totaling approximately 1,150 acres with forested and scrub-shrub wetlands dominant, that the Conservation Commission and the Planning Board have agreed to designate as Prime Wetlands as a result of a Prime Wetland Study that he was contracted to conduct by the Conservation Commission. Mr. West stated that he previously did the study for the Glen Oaks property that is now a designated Prime Wetland. The purpose of this new wetland evaluation was to map the wetlands that were not done at the last study, identify wetlands that qualify for Prime Wetland designation and to better understand the wetland resources within Fremont. This study was done over the last few months and resulted in the finding of 57 wetland systems that were mapped onto stereo color photographs, classified and then field inspected. Mr. West stated that he has submitted a Wetland Evaluation Report dated September 2007 to the Town. This report includes an introduction, methodology, findings and a Fremont Freshwater Wetlands Ranking table. Mr. West has also submitted aerial photo wetland maps, wetland inventory data forms and photo documentation. He stated that he has purchased stereo photos of the entire Town of Fremont done in March of 2006 that will be turned over to the Town at the conclusion of the project.

Mr. West showed aerial photo slides of some of the 26 wetland systems. As he did this he explained that the wetland boundaries were verified and revisions were drawn onto the aerial photos, which are included in the report, and Wetland Inventory Functional Value Assessment Data Forms were completed for each wetland. Each wetland was evaluated to determine function. This is based on the collection of data on its’ physical characteristics through field inspections and research of existing information and professional judgment as well as if the function present is a principal function of that wetland. There are 7 functions and 3 values for each wetland = groundwater recharge/discharge, flood-flow alteration, sediment / toxicant/pathogen retention, nutrient removal retention transformation, production export, sediment/shoreline stabilization, wildlife habitat. He stated that the

assessment also evaluates recreational value, educational or scientific value, uniqueness/heritage. He noted that a wetland has to have 50% very poorly drained soils to qualify for Prime Wetland.

Mr. West explained that the ranking system, which was based on the size of the wetland, number of principal functions and wetland values, was put into 4 separate tiers outlined as follows:

Tier 1 = Includes 7 of the largest, most diverse freshwater tidal wetlands complexes in Fremont. These wetlands represent 711.4 acres. These wetlands range in size for 61 to 277 and all of them score over 400 in their evaluations. The total acreage of this tier is 711.4. He added that wetland 37 is an example of high value wetland.

Tier 2 = Includes 7 wetlands that score over 150 and under 400. These wetlands, although smaller than the Tier 1 wetlands, are diverse and high functioning. They range from a 44 acre freshwater scrub-shrub to a 32 acre flood plain forest. The total acreage of this tier is 251.6.

Tier 3 = Includes the next 12 wetlands ranging from scores of 75 to 150. These wetlands range in size from 12 to 20 acres and provide significant wetland function and value. The total acreage of this tier is 191.7. Mr. West noted that a significant number of the tier 3 wetlands provide critical vernal pool habitat that may be utilized by spotted or Blanding's turtles. Numerous smaller vernal pools were also identified during field inspections and a Vernal Pool Survey conducted during amphibian and turtle breeding season would help determine whether these wetlands in fact provide rare species habitat.

Mr. West stated that the designation of a wetland as prime creates a higher level of protection and mitigation requirements in the State DES Wetlands Bureau and that in order to get a permit to do a project in prime wetland there must be significant proof that the wetland value will be mitigated, that the wetland has to be impacted and the impact must be minimized as much as possible with a higher level of mitigation. He added that the state will hold a Public Hearing for projects in a prime wetland project. The State now has a 100' buffer to a prime wetland which is not a significant impact to Fremont because Fremont already has a 100' buffer setback to wetlands.

Elaine O'Brien asked about Spruce Swamp and Mr. West answered that Spruce Swamp is marked as #1 in the report and on the map, which is why it shows 27 wetlands. He added that this designation is in addition to Spruce Swamp which is already a designated Prime Wetland.

Mr. West stated that the wetlands in tiers 1, 2, and 3 represent the highest functioning wetlands that provide critical habitat, crucial wetlands function and recreational and educational opportunities to the residents of Fremont and he recommends that be designated as prime wetlands by Fremont to the NHDES Wetlands Bureau. If the Town votes to designate all of the recommended wetlands it will have 27 designated Prime Wetlands including the already designated Spruce Swamp.

Jeremy Lennon stated that he had looked at the report and there were some markings on wetland #48, which includes his property, that he does not understand. He said that he had his property, which is a reclaimed gravel pit, evaluated by a soil scientist who said that most of it is not wetland. Mr. West agreed and explained that prime wetland is an aerial photo interpretation and is not a wetland delineation according to the federal state manual standard. Mr. Stilwell noted that land change behavior and a reclaimed pit do not necessarily mean the land is dry as the characteristics can change over time.

Mr. Lennon asked if this will go up for a vote and Mr. Stilwell stated that this is just like any other ordinance and will go before the town for vote in March of 2008.

After careful consideration by the Board Mr. Karcz made the motion that the Planning Board approve the proposed amendment to Fremont Zoning Ordinance Article IX Section G by adding *and other designated wetland systems* after Spruce Swamp. The amended ordinance would read as follows: "In accordance with RSA 482-A:15 the wetland system commonly known as "Spruce Swamp" *and other designated wetland systems* as described in documents and maps filed by the Planning Board and Conservation Commission with the Town Clerk and the State of New Hampshire Department of Environmental Services, is hereby designated as prime wetland. "

Motion seconded by Mr. Holmes with unanimous favorable vote.

At 7:35 pm Mr. Holmes made the motion to close this Public Hearing.
Motion seconded by Mr. Pitkin with unanimous favorable vote.

At 7:36 pm Mr. Holmes made the motion to continue tonight's meeting to the downstairs Land Use Meeting Room at the Town Hall.
Motion seconded by Mr. Karcz with unanimous favorable vote.

At 7:45 Mr. Stilwell reopened the meeting at the downstairs Land Use Meeting Room at the Town Hall.

ZONING AMENDMENTS/ORDINANCE PUBLIC HEARING

Article XI Section E-1; Aquifer Protection District

Present: There was no public present.

Mr. Stilwell opened this Public Hearing at 7:45 pm and stated that this is a continuation of the November 14, 2007 portion of this Public Hearing. He then read the public notice of the hearing which was as follows:

In accordance with NH RSA 675:6 and 675:7 you are hereby notified that the Fremont Planning Board will hold a Public Hearing on Wednesday November 14, 2007 at 7:30 pm in the downstairs Land Use meeting room at the Fremont Town Hall to consider proposed amendments to the Fremont Zoning Ordinance Article XI Section E – 1: Aquifer Protection District; Minimum Lot Size. A second Public Hearing, if necessary, will be held at 7:30 p.m. on Wednesday December 19, 2007 in the downstairs Land Use meeting room at the Fremont Town Hall. The public is invited to attend.

The proposed amendment would replace the existing three (3) acre lot size with three (3) acres plus incremental increases for those lots on which more than single family dwellings are located. This would be similar with the lot size requirements of those lots outside of the Aquifer Protection District in Fremont Zoning Ordinance Article IV Section 3.

The full text of all proposed zoning amendments are posted at the Fremont Town Hall, Library, Safety complex, and Post office and are on file in the offices of the Selectmen, Planning/Zoning and Town Clerk and can be viewed during regular business hours.

Mr. Stilwell stated that tonight's Public Hearing, agenda and the full text of the proposed zoning amendment is available on the table at the back of this meeting room. He noted that this Public Hearing was noticed in the November 2, 2007 edition of the Rockingham News and was posted on October 29, 2007 at the Fremont Post Office, Safety Complex, Public Library and both levels of the Town Hall.

The full text of the amendment was posted as follows:

Full Text of Proposed Articles for the March 2008 Zoning Amendments.

1. *Are you in favor of amending Article XI Section E-1: AQUIFER PROTECTION DISTRICT of the Fremont Zoning Ordinance as follows:*

Article XI – Aquifer Protection District

E. USE REGULATIONS

1. Minimum Lot Size

~~*The minimum lot size within the Aquifer Protection District for each dwelling unit if a residential use, or each principal building if a non-residential use, shall be three (3) acres, or 130,680 square feet.*~~

E. USE REGULATIONS

Section 1. The lot size within the Aquifer Protection District shall be a minimum of three (3) acres in area and lots on which multiple family dwellings are located shall be increased by eighteen thousand (18,000) square feet per family dwelling unit when less than five (5) units and by thirty thousand (30,000) square feet per family unit when five (5) or more family units, i.e. three (3) Acres plus eighteen thousand (18,000) multiplied by the number of family units or three (3) Acres plus thirty thousand (30,000) multiplied by the number of family units. No lot shall have more than one (1) occupied dwelling thereon. (See also Article IX Section F, See also Article XI Section E-6)

Section 1-A Setback requirements shall be those as defined by Article IV Section 1

Section 1-B. Lot frontage requirements shall be those as defined by Article IV Section 2.

Mr. Stilwell stated that Town Counsel has advised the following changes to the full text as posted.

Full Text of Proposed Articles for the March 2008 Zoning Amendments.

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| <ol style="list-style-type: none">1. <i>Are you in favor of amending Article XI Section E-1: AQUIFER PROTECTION DISTRICT of the Fremont Zoning Ordinance as follows:</i> |
|--|

Article XI – Aquifer Protection District

E. USE REGULATIONS

1. Minimum Lot Size

~~*The minimum lot size within the Aquifer Protection District for each dwelling unit if a residential use, or each principal building if a non-residential use, shall be three (3) acres, or 130,680 square feet.*~~

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~~**Section 1.** The lot size within the Aquifer Protection District shall be a minimum of three (3) acres in area and lots on which multiple family dwellings are located shall be increased by eighteen thousand (18,000) square feet per family dwelling unit when less than five (5) units and by thirty thousand (30,000) square feet per family unit when five (5) or more family units, i.e. three (3) Acres plus eighteen thousand (18,000) multiplied by the number of family units or three (3) Acres plus thirty thousand (30,000) multiplied by the number of family units. No lot shall have more than one (1) occupied dwelling thereon. (See also Article IX Section F, See also Article XI Section E-6)~~

E. USE REGULATIONS

Section 1. The minimum lot size within the Aquifer Protection District shall be 3 acres. Lots containing up to 4 units shall contain an additional 18,000 square feet per unit. Lots containing 5 or more units shall contain an additional 30,000 square feet per unit. No lot shall have more than one residential structure regardless of the number of dwelling units.

(See also Article IX Section F, See also Article XI, Section E-6)

Section 1-A Setback requirements shall be those as defined by Article IV Section 1

Section 1-B. Lot frontage requirements shall be those as defined by Article IV Section 2.

Mrs. Bolduc reported that she had spoken with Town Counsel Ryan on November 27, 2007 and he felt that the rearrangement of the verbiage from that which was posted does not necessitate a second Public Hearing as it does not change the intent of the ordinance amendment.

There was a discussion relative to “No lot shall have more than one (1) occupied dwelling thereon” and the intent that all dwelling units be contained in one building per lot.

After careful consideration by the Board Mr. Karcz made the motion that the Planning Board approve the proposed amendment to Fremont Zoning Ordinance Article XI Section E – 1: Aquifer Protection District; Minimum Lot Size as follows:

Article XI – Aquifer Protection District

Section 1. The minimum lot size within the Aquifer Protection District shall be 3 acres. Lots containing up to 4 units shall contain an additional 18,000 square feet per unit. Lots containing 5 or more units shall contain an additional 30,000 square feet per unit. No lot shall have more than one residential structure regardless of the number of dwelling units.

(See also Article IX Section F, See also Article XI, Section E-6)

Section 1-A Setback requirements shall be those as defined by Article IV Section 1

Section 1-B. Lot frontage requirements shall be those as defined by Article IV Section 2.

Motion seconded by Mr. Holmes with unanimous favorable vote.

At 8:00 pm Mr. Karcz made the motion to close this public hearing.
Motion seconded by Mr. Holmes with unanimous favorable vote.

MINUTES

Mr. Karcz made the motion to approve the minutes of the November 14, 2007 meeting as written. Motion seconded by Mr. Pitkin with unanimous favorable vote.

MASTER PLAN

Mr. Stilwell reported that the Board has received from Glenn Greenwood, Senior Planner with RPC, the Agreement for Professional Planning Assistance for a revising the Transportation Chapter of the Master Plan. This agreement has been signed by Mr. Greenwood. This is a matching grant that will use available matching transportation funds. The project completion date is June 30, 2008.

At the September 12, 2007 meeting the Board approved spending up to \$2,500 from the Professional Services line in the 2007 Planning Board budget to contract with Rockingham Planning Commission for updating the Transportation Chapter of the Master Plan, requesting use of the available matching transportation funds.

With the approval of the Board, Mr. Stilwell signed the agreement. It will be forwarded to the Board of Selectmen for their signatures, then to the Rockingham Planning Commission.

There was a discussion relative to which chapters will remain in the Master Plan, which chapters can be incorporated into other chapters and which chapters can be deleted as they do not need to be carried over. These will be put together in a Master Plan Chronology and will be discussed at the next meeting. Mr. Stilwell recommended and it was agreed that this Master Plan Chronology should become a working document that would be updated as each chapter is amended or deleted.

It was agreed to send the Energy Committee notice that the Planning Board will be looking at including an Energy Chapter to the Master Plan.

Mr. Stilwell noted that Mr. West continues to work on the Community Facilities chapter, the text of the Natural Resources Inventory chapter is finished and the maps are almost finished, Historian Matthew Thomas has finished making updates to the Historical Resources chapter and the Recreation Commission is working on an update draft to the Recreation chapter.

CIP

There was a discussion relative to whether the CIP should be a chapter of the Master Plan. It was agreed that the CIP is a document in its' own right. It was agreed to draft a letter, and a worksheet, to the head of each department that incurs capital improvement costs requesting them to participate in the process of preparing an update to the CIP. Mr. Stilwell stated that the idea is to get the feedback from the department heads by late spring so that it can be put together by mid summer and be used for the next budget process.

ZONING AMENDMENTS

Signs:

The Board reviewed the November 26, 2007 revised draft sign ordinance as submitted by David West as requested at the last meeting. The Members agreed to the following changes:

1.3 Signs Authorized Without A Sign Permit

I: delete all after Please refer to RSA 664:17.

1.5 Residential Subdivision Signs

1 – Definition; add “*permanent*”

3- Location and Number; add “*permanent*” and “*all temporary signs must be removed at the time the road is accepted by the Town*”.

4 - Size; Each sign may be up to twenty (20) square feet and have a maximum height of six (6) feet.

1.6 Additional Sign Standards

E - Illumination Signs should be lighted only to the minimum level required for nighttime readability. The intent is to light only the sign, and not create glare onto adjacent properties of onto the right of way. All external light sources shall be white. Lighting that is directed toward a sign shall be designed and shielded so that it illuminates the face of the sign and does not shine beyond the edge of the sign. Internal Illumination of an entire sign panel is discouraged.

If internal illumination is used, as system that backlights sign text only is required. The

Planning Board may set the hours that a sign is illuminated.

1.9 – Second sentence - strike “within 90 days”.

Mr. West agreed to update this draft ordinance and suggested that, with the updates, it is ready to be reviewed by Town Counsel so that the Board can send it on to Public Hearing.

Mr. Karcz motioned that the sign ordinance draft, inclusive of the updates made tonight, be sent to Town Counsel for his approval and that the Board schedule the first Public Hearing for 7:30 pm on December 19, 2007 and a second Public Hearing, if it is necessary, for 7:30 pm on January 9, 2008. Motion seconded by Mr. Holmes with unanimous favorable vote.

RICHARD LOTHIAN

There was a discussion relative to the status of the June 23, 2005 Lothian Automotive Site Plan Review. There was an extension to August 22, 2005 to meet conditions. It was agreed that there has been nothing done to implement the site plan. RSA 674:39 was consulted and it was agreed to consult Town Counsel relative to revocation of a Site Plan Review due to non-action by the applicant.

CORRESPONDENCE

1. NHEP service survey.
2. Copy of a November 13, 2007 correspondence from Town Administrator Heidi Carlson to Glen Hutchins relative to a bond release for Kenniston Way.
3. Copy of a November 27, 2007 correspondence from Town Administrator to Tasca Allain relative to drainage onto her property at Map 3 Lot 177.011.

Mr. Karcz made the motion to adjourn at 10:20 pm.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary